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TRANSCRIPT OF CHANGE OF PLEA HEARING
BEFORE THE HONORABLE MARTIN C. CARLSON
UNITED STATES MAGISTRATE JUDGE
13 FEBRUARY 2020 - 9:28 A.M.

For the Government:

For the Defendant:

Court Reporter:

Proceedings recorded by machine shorthand; transcript produced by computer aided transcription.

P R O C E E D I N G S

THE COURT: Good morning, Mr. Clancy.

MR. CLANCY: Good morning, Your Honor.

THE COURT: And good morning, Mr. Weitzman.

09:28AM MR. WEITZMAN: Good morning, Your Honor.

THE COURT: And good morning, Mr. Salvado.

THE DEFENDANT: Good morning, Your Honor.

THE COURT: The next matter before the court this morning is the case of United States of America versus Brian Salvado. It is this court's criminal number 18-228. And, Mr. Salvado, you come before me today because I understand there's a plea agreement in this case, and it's your intention to enter a guilty plea to Count 1 of the indictment.

THE DEFENDANT: Correct.

09:28AM THE COURT: Well, that's good then. You and I have the same understanding of what we're doing here today.

THE DEFENDANT: Right.

THE COURT: Mr. Salvado, this case is assigned to Judge Rambo, but Judge Rambo asked me to spend a little time with you today discussing your rights in connection with this plea, discussing the consequences of a plea, and making sure that yours is a voluntary plea, supported by an independent basis in fact.

09:29AM Now, for me to do that I'll need to ask you a number of questions, but because I am not the judge who will be

1 sentencing you, that will be Judge Rambo, before I can ask you
2 these questions you would have to authorize me to pose these
3 questions to you. You would have to give me permission to do
4 that.

09:29AM 5 THE DEFENDANT: I give you permission.

6 THE COURT: Well, I appreciate that, Mr. Salvado.
7 Now, Mr. Salvado, in a moment I'll have you placed under oath.

8 THE DEFENDANT: Okay.

9 THE COURT: And you should understand that if you gave
09:29AM 10 me a deliberate false answer under oath, you could be
11 prosecuted for perjury. Do you understand that?

12 THE DEFENDANT: I do understand.

13 THE COURT: Furthermore, because your answers to these
14 questions are so important, if I ask you a question and you
09:30AM 15 don't understand my question, ask me to repeat it. Okay?

16 THE DEFENDANT: Will do.

17 THE COURT: And if I ask you a question and you think
18 to yourself "I would like to discuss that question with
19 Mr. Weitzman," just let me know.

09:30AM 20 THE DEFENDANT: Okay.

21 THE COURT: We'll give you all the time you need.
22 Okay?

23 THE DEFENDANT: I appreciate it.

24 THE COURT: Mr. Armbruster, will you administer the
09:30AM 25 oath?

1 (The defendant was sworn by the courtroom deputy.)

2 EXAMINATION BY THE COURT:

3 Q. Could you state your name, please, sir?

4 A. Brian Salvado.

09:30AM 5 Q. How old are you, sir?

6 A. Forty-six.

7 Q. How far did you go in school?

8 A. I completed high school.

9 Q. Very good. I take it then you read, write, and converse
09:30AM 10 in English?

11 A. Yes.

12 Q. Have you ever been treated for any form of mental illness
13 or drug or alcohol addiction?

14 A. No.

09:30AM 15 Q. And have you had any drugs or alcohol before coming here
16 today?

17 A. No.

18 Q. Are you taking any prescription medication that affects
19 your understanding of what we're doing today?

09:30AM 20 A. I don't think so.

21 Q. Okay. Well, are you taking some prescription?

22 A. I'm taking prescription drugs. It's Remeron, and I take
23 Prozac.

24 Q. Okay.

09:31AM 25 A. And the Remeron is helping me sleep better at night.

1 Q. Okay.

2 A. And the Prozac helps me more relax --

3 Q. In terms of dealing with anxiety?

4 A. Exactly.

09:31AM 5 Q. With respect to those medications, do they affect your
6 understanding of what we're doing here today?

7 A. No.

8 THE COURT: Mr. Weitzman, you've had ample opportunity
9 to meet with your client. Is there anything about the
09:31AM 10 medications that he's been taking that in your estimation
11 affects his understanding of what we're doing today?

12 MR. WEITZMAN: No, Your Honor.

13 BY THE COURT:

14 Q. And it's clear to me, Mr. Salvado, as I chat with you here
09:31AM 15 today that you've got a clear understanding of what we're doing
16 here today.

17 A. I do.

18 Q. Very well. Very well. And do you understand that today
19 is the date set for an entry of a guilty plea in this case?

09:31AM 20 A. Yes.

21 Q. And taking that into account and considering all things
22 together, are you feeling okay today?

23 A. Just tired, but I'm feeling good.

24 Q. And I understand that it could be a tiring day, but other
09:31AM 25 than that --

1 A. I feel confident.

2 Q. Good, good. You've been represented, Mr. Salvado, by
3 Mr. Weitzman, who is well known to the court. So far are you
4 satisfied with the representation you have received?

09:32AM 5 A. Very much.

6 Q. And I would expect nothing else, but I'm always obliged to
7 check and make sure.

8 A. No problem.

9 Q. Very well. Now, Mr. Salvado, by pleading guilty to Count
09:32AM 10 1 of the indictment you will be forever giving up your trial
11 rights, and because those are important rights I want to take a
12 moment or two to go over the nature of those rights with you so
13 you and I understand what it is you've decided to give up.
14 Okay?

09:32AM 15 A. Okay.

16 Q. You're entitled to a jury trial in this case, Mr. Salvado,
17 and at a jury trial you, through counsel, would help select the
18 twelve jurors who would hear the case. Do you understand that?

19 A. Yes.

09:32AM 20 Q. At a jury trial you would be presumed innocent and you
21 could not be found guilty unless or until the government
22 established your guilt beyond a reasonable doubt. Do you
23 understand that?

24 A. I do.

09:32AM 25 Q. And to do that the government would have to establish your

1 guilt beyond a reasonable doubt on each and every element of
2 the offense charged against you. Do you understand that?

3 A. Yes, sir.

4 Q. Furthermore, the government would have to carry that
09:33AM 5 burden of proof to the satisfaction of all twelve jurors. A
6 verdict would have to be unanimous. Do you understand that?

7 A. I do.

8 Q. And do you further understand in a trial setting you could
9 file pretrial motions challenging the government's charges or
09:33AM 10 seeking to suppress evidence or seeking other relief? Do you
11 understand that?

12 A. I do.

13 Q. Furthermore, at a trial you, through your counsel, could
14 cross examine government witnesses and challenge government
09:33AM 15 evidence. Do you understand that?

16 A. I do.

17 Q. You could also at trial subpoena witnesses and evidence on
18 your own behalf and present them here in court. Do you
19 understand that?

09:33AM 20 A. Yes, sir.

21 Q. Furthermore, in a trial setting you could testify on your
22 own behalf, providing your account of what happened here,
23 although you could never be required to testify, and if you
24 chose not to testify your silence could never be held against
09:33AM 25 you. Do you understand that?

1 A. I do.

2 Q. Do you understand that by pleading guilty you'll be giving
3 up all of these trial rights that we've just discussed and your
4 guilt will be established by what you say here today?

09:34AM 5 A. Yes, sir.

6 THE COURT: Now, there is a plea agreement in this
7 matter, and do you all have a copy of that plea agreement in
8 front of you?

9 MR. WEITZMAN: We do, Your Honor.

09:34AM 10 THE COURT: Excellent.

11 BY THE COURT:

12 Q. Could I ask you, Mr. Salvado, to take a look at the last
13 page of the plea agreement, page 30? There's a heading there
14 that says *Acknowledgement*, and it reads, "I have read this
09:34AM 15 agreement and carefully reviewed every part of it with my
16 attorney. I fully understand it and I voluntarily agree to
17 it." Then there's a signature. Whose signature is that?

18 A. That would be mine.

19 Q. And did you in fact read the agreement and carefully
09:34AM 20 review it before you signed it?

21 A. Yes, sir.

22 Q. Did you feel like you had enough time to go over the plea
23 agreement before you signed it?

24 A. I did.

09:34AM 25 Q. And did Mr. Weitzman answer any questions you had about

1 the agreement?

2 A. He did.

3 Q. And did you then voluntarily sign the agreement?

4 A. Yes.

09:34AM 5 Q. I'm going to ask Mr. Clancy to summarize for us the plea
6 agreement, and I'm going to ask you and Mr. Weitzman to pay
7 close attention, because when he gets done I'm going to ask if
8 he clearly summarized the agreement you have with the
9 government.

09:35AM 10 A. Okay.

11 MR. CLANCY: Your Honor, the plea agreement in this
12 case provides that the defendant will plead guilty to Count 1
13 of the indictment. That count charges him with use of a minor
14 to produce child pornography, in violation of Title 18, United
09:35AM 15 States Code, Sections 2251(a) and (e).

16 The maximum penalty upon conviction for that offense
17 is thirty years in prison, a \$250,000 fine, a period of
18 supervised release up to life following any term of
19 incarceration, costs of prosecution, denial of certain federal
09:35AM 20 benefits, and a special assessment of \$100.

21 That count does carry a mandatory minimum fifteen
22 year prison term. In addition to pleading guilty the defendant
23 agrees in paragraph 12 of the plea agreement to acknowledge
24 that there are additional victims of his conduct. He agrees
09:36AM 25 that the guideline range that is calculated for his offense

1 will be calculated as if there was a separate charge and a
2 separate plea of guilty to each of ten additional victims. He
3 agrees that all eleven victims in the case are entitled to all
4 of the rights accorded to victims, including restitution.

09:36AM 5 In exchange for his guilty plea to Count 1 and his
6 agreement with respect to the victims the government agrees to
7 bring no additional charges against him arising out of his
8 conduct, and if he continues to demonstrate acceptance of
9 responsibility for his conduct to recommend that he receive
09:36AM 10 credit for that acceptance of responsibility in the calculation
11 of his sentencing guidelines.

12 Now, the plea agreement provides, and I am sure
13 Mr. Salvado understands, that it is one between him and the
14 United States, and the Court is not bound by the plea agreement
09:37AM 15 or any of the recommendations in it. And I believe he
16 understands that following a guilty plea, if it is accepted by
17 the Court, a presentence report will be ordered. The district
18 court will determine what the appropriate sentence in this case
19 will be, and if Mr. Salvado is not satisfied with that
09:37AM 20 sentence, that will not be a basis for him to withdraw his
21 guilty plea.

22 I believe he understands, as is set forth in the plea
23 agreement, that he will have a full opportunity to review the
24 presentence report and make any objections, as will the
09:37AM 25 government. But at the end of the day the district court will

1 impose what it deems to be a proper sentence, and if he is not
2 satisfied with that sentence he will not be able to withdraw
3 his plea. In essence, Your Honor, that is the plea agreement in
4 this case.

09:37AM 5 THE COURT: Mr. Weitzman, is that a fair summary of
6 the agreement?

7 MR. WEITZMAN: It is, Your Honor.

8 BY THE COURT:

9 Q. Mr. Salvado, you heard what Mr. Clancy had to say?

09:37AM 10 A. Yes.

11 Q. Aside from what Mr. Clancy had to say in what was set
12 forth in the written plea agreement, has anyone promised you
13 anything to get you to plead guilty?

14 A. No.

09:38AM 15 Q. Has anyone threatened you or any member of your family or
16 anyone close to you to get you to plead guilty?

17 A. No, sir.

18 Q. The plea agreement, as Mr. Clancy has noted, has a number
19 of recommendations in it, but it's important that you

09:38AM 20 understand that no one can guarantee what sentence Judge Rambo
21 will impose in this case. Do you understand that?

22 A. I do.

23 Q. And that Judge Rambo, notwithstanding the recommendations
24 of the parties, will have to make her own judgment on what the

09:38AM 25 appropriate guidelines and sentence are in this case. Do you

1 understand that?

2 A. I do.

3 Q. And so it's important for us to understand that if Judge
4 Rambo didn't accept any of the recommendation of the parties,
09:38AM 5 if she went above or below what they recommended, you'd still
6 be bound by this guilty plea. Do you understand that?

7 A. I do. Thank you.

8 Q. And so are you therefore pleading guilty to this offense
9 of your own free will because you in fact have committed this
09:39AM 10 offense?

11 A. Yes, sir.

12 Q. Now, I need to go over a couple of other matters with you,
13 if you'll just indulge me.

14 A. Okay.

09:39AM 15 Q. Do you understand that the charge being brought against
16 you is a felony offense?

17 A. Yes.

18 Q. As a result you may lose certain civil rights that I kind
19 of want to just discuss with you for a few minutes. You could

09:39AM 20 lose the right to vote, the right to possess a firearm, the
21 right to hold certain professional licenses, the right to serve
22 on a jury, or the right to obtain certain federal benefits.

23 You recollect lose those rights by virtue of a plea. Do you
24 understand that?

09:39AM 25 A. I do.

1 Q. And are you a United States citizen, Mr. Salvado?

2 A. Yes, sir.

3 Q. I'm not disputing that at all, but whenever someone comes
4 before me pleading guilty to a serious charge like this, I'm

09:39AM 5 obliged to note that if you were not a citizen, one consequence
6 of the plea is that you could be removed from the United
7 States. Do you understand that?

8 A. I do.

9 Q. And do you understand that the penalty for this offense is
09:39AM 10 a mandatory fifteen years in prison and up to thirty years in
11 prison. Do you understand that?

12 A. I do.

13 Q. You would face a maximum fine of up to \$250,000. Do you
14 understand that?

09:40AM 15 A. Yes.

16 Q. You would face a term of supervised release that would
17 follow any jail sentence, and I believe that term of supervised
18 release would have to be at least five years and could be as
19 long as your natural life. Do you understand that?

09:40AM 20 A. I do.

21 Q. You'd also face the costs of prosecution, denial of
22 certain federal benefits, and a \$100 assessment. Do you
23 understand that?

24 A. I do.

09:40AM 25 Q. In addition there is a \$5,000 special assessment if the

1 court finds that you have engaged in human trafficking. Do you
2 understand that?

3 A. I do.

4 Q. So that those assessments could total \$5,100. Do you
09:40AM 5 understand that?

6 A. I do.

7 Q. Beyond that there are some other consequences of your plea
8 which are set forth in the plea agreement but which I want to
9 just cover as well, and I suppose I would direct your attention

09:40AM 10 to paragraphs 26 and 27 of the plea agreement. Federal law
11 among other things provides for mandatory restitution for
12 victims of crimes, and do you understand that as part of a
13 guilty plea in this case you may be required to make
14 restitution to crime victims?

09:41AM 15 A. Yes.

16 Q. In addition, as you can see in paragraphs 26 and 27, that
17 persons convicted of charges such as the one as to which you
18 are pleading guilty may be required to register as sex
19 offenders in the future. Do you understand that?

09:41AM 20 A. I do.

21 Q. And do you understand that if you fail to register as a
22 sex offender you could be charged with a new criminal offense
23 and could be returned to jail?

24 A. I do.

09:41AM 25 Q. Furthermore, federal law provides that in certain

1 instances individuals who have completed a criminal sentence
2 may be subject to civil commitment as sexually dangerous
3 offenders. Now, there's no way for any of us to project
4 whether that will happen at all in your case at the completion
09:42AM 5 of a sentence, but it's important as you begin this process
6 that we all understand that that is one other possible
7 consequence in this case. Do you understand that?

8 A. I do.

9 Q. Now, I have mentioned to you this term of supervised
09:42AM 10 release that has to be at least five years and could be as long
11 as your natural life. Do you understand that's served after any
12 period in jail?

13 A. Yes.

14 Q. And do you understand that if you violated supervised
09:42AM 15 release you could be returned to jail?

16 A. Yes.

17 Q. Do you understand that there are sentencing guidelines
18 that Judge Rambo must consider and may follow when it comes
19 time to sentencing you?

09:42AM 20 A. I do.

21 Q. And have you and Mr. Weitzman talked about those
22 guidelines and how they might work in your case?

23 A. Yes.

24 Q. I would fully expect that Mr. Weitzman would do just that
09:42AM 25 for you, and let me ask you, has Mr. Weitzman or anyone

1 provided you with an estimate of what those guidelines might
2 be?

3 A. No, not yet.

4 Q. And let me ask you in that regard, sometimes what lawyers
09:43AM 5 will do is they'll tell you the guidelines could be X number of
6 months.

7 A. Oh yeah, yeah, that's familiar, yes.

8 Q. It's not like a formal written estimate.

9 A. Right, yeah.

09:43AM 10 Q. But the lawyer may tell you that when I do the guidelines
11 it could be --

12 A. He did that, yes.

13 Q. He did that?

14 A. Yes.

09:43AM 15 Q. And I would fully expect he'd do that, too, but there are
16 a couple of things we just need to note about the estimate you
17 received from Mr. Weitzman or any estimate you received from
18 anyone. First, that estimate is certainly the best estimate
19 that counsel can provide, but it isn't binding on Judge Rambo.

09:43AM 20 Do you understand that?

21 A. I do.

22 Q. She'll have to make her own findings, and if she finds the
23 guidelines are different than any estimate you received, you'll
24 still be bound by this plea. Do you understand that?

09:43AM 25 A. Yes.

1 Q. Furthermore, do you understand and recognize that a prior
2 criminal record could affect your guidelines and might make
3 your guidelines higher? Do you understand that?

4 A. I do.

09:44AM 5 Q. Now, what will happen in this case is if your plea is
6 accept a presentence report will be repaired. That report will
7 provide a complete background on you, your social history, any
8 medical history and criminal history, and it will describe your
9 involvement in this offense.

09:44AM 10 That presentence report will also contain a tentative
11 guideline calculation. Mr. Salvado, you will see that report
12 well before Judge Rambo ever does, and if there's anything that
13 is in that report that you think is wrong, you have a right to
14 object to it. Do you understand that?

09:44AM 15 A. I do, thank you.

16 Q. You're certainly welcome, sir. And do you understand that
17 objections that can't be resolved by the parties will have to
18 be resolved by Judge Rambo at a hearing where typically the
19 government will have to prove what's in that report, do you
09:44AM 20 understand that?

21 A. I do.

22 Q. Mr. Salvado, this process is set up to protect your
23 rights, but if at the end of the process the guidelines turn
24 out to be different or higher than you expected, you'd still be
09:45AM 25 bound by this plea. Do you understand that?

1 A. I do.

2 Q. Of course in no event can a sentence imposed by Judge
3 Rambo exceed the statutory maximum we've discussed here today,
4 thirty years. Do you understand that?

09:45AM 5 A. I do.

6 Q. Furthermore, in no event could the sentence be less than
7 the mandatory minimum required by law. Do you understand that?

8 A. I do.

9 Q. And do you understand that one consequence of a conviction
09:45AM 10 is that you may be required to provide a DNA sample?

11 A. I do.

12 Q. Do you further understand that the guidelines that we've
13 been talking about are advisory only. So in some instances
14 Judge Rambo could impose a sentence either above or below the
09:45AM 15 guidelines. Do you understand that?

16 A. I do.

17 Q. And do you understand that there are, there is no parole
18 in the federal system. So if you're sentenced to a period of
19 time in prison, you would have to serve that time and you would
09:46AM 20 not be able to be released early on parole. Do you understand
21 that?

22 A. I do.

23 Q. With the information we've gone over so far is it still
24 your wish to enter a guilty plea to Count 1?

09:46AM 25 A. Yes, sir.

1 Q. And are you doing to of your own free will because you are
2 in fact guilty of that offense?

3 A. Yes.

4 Q. Mr. Salvado, do you have any questions of me regarding any
09:46AM 5 of the matters that we've been discussing here today?

6 A. I do not.

7 Q. Very well. In Count 1 of the indictment of the indictment
8 it is alleged that you violated Title 18 of the U.S. Code,
9 Section 2251(a) and (e), and it is alleged that you enticed
09:46AM 10 individuals to engage in sexually explicit conduct for the
11 purpose of creating and producing visual depictions of that
12 conduct. I'm going to ask Mr. Clancy to tell us what the
13 government would have proven in this case. I'll ask you to pay
14 close attention, because when he gets done I'm going to ask if
09:47AM 15 that's what you did --

16 A. Okay.

17 Q. -- and then I'll ask how you plead.

18 A. All right.

19 THE COURT: Mr. Clancy?

09:47AM 20 MR. CLANCY: Your Honor, if this matter proceeded to
21 trial the United States would be prepared to prove that the
22 defendant used a dating website *getvgl.com*, which I'll refer to
23 it as VGL, and his cell phone to communicate online and via
24 text message with an underage male for the purpose of producing
09:47AM 25 child pornography. Specifically the defendant conducted

1 conversations via text message to request and receive images
2 depicting the genitalia of a minor male, in this instance
3 knowing that the minor male was only sixteen years old.

4 That victim resides in the Northern District of
09:47AM 5 Illinois and was in the Northern District of Illinois through
6 the duration of the conversations with the defendant. The
7 defendant engaged in those text message conversations from
8 Franklin County, within the Middle District of Pennsylvania,
9 persuading and enticing that victim to send him sexually
09:48AM 10 explicit images constituting child pornography using electronic
11 devices shipped and transported in interstate and foreign
12 commerce.

13 On or about October 24, 2017 Victim 1 established a
14 profile on the dating website VGL. VGL is a dating website
09:48AM 15 that allows a subscriber to create and customize a profile with
16 a unique user name. VGL enables subscribers to browse and
17 message unlimited subscribers for free. VGL allows a
18 subscriber to post and view unlimited public and private photos
19 posted by other VGL users.

09:48AM 20 In addition VGL supports a function that allows
21 subscribers to find Snapchat, Instagram, Kick, Facebook, and
22 Twitter user names for other VGL users in either the same
23 geographic area or nationwide. VGL can be accessed on various
24 electronic devices capable of accessing the internet, including
09:49AM 25 cell phones, tablets, computers, either directly through the

1 website or through a VGL application.

2 In the fall of 2017 Victim 1 was sixteen years old.
3 On or about October 25, 2017 the defendant contacted Victim 1
4 on VGL using the user name B. Salvado. At the time Victim 1
09:49AM 5 falsely stated he was eighteen years old. The defendant asked
6 Victim 1 to send him naked pictures of himself. Victim 1
7 complied with the defendant's request and sent naked pictures
8 of himself using the VGL application.

9 Shortly after the initial communications on VGL the
09:49AM 10 defendant gave Victim 1 his cell phone number and requested
11 that Victim 1 and the defendant engage in communications
12 through text message. A review of information from Victim 1's
13 phone revealed that in the less than one month period from
14 about October 25, 2017 to November 14, 2017 Victim 1 and the
09:50AM 15 defendant engaged in approximately 3,938 text message
16 communications.

17 They exchanged via text message audio, video, and
18 photograph files during the course of their communications.
19 Victim 1 told the victim he lived in Illinois. During the
09:50AM 20 course of these conversations and after the defendant learned
21 Victim 1 was true age of sixteen, the defendant offered to pay
22 Victim 1's mother in order to marry Victim 1.

23 He told Victim one 1he would take care of him
24 financially, and he offered to purchase expensive items for
09:51AM 25 Victim 1, including a computer, and a house in California.

1 After that point in time from about October 29, 2017 through
2 November 13, 2017 the defendant enticed Victim 1 to take and
3 transmit through a facility of interstate commerce four
4 separate images constituting child pornography.

09:51AM 5 Now, as noted in the plea agreement, Your Honor,
6 there are ten additional victims of the defendant's enticement
7 and use of minors to produce child pornography. The
8 particulars of those victims, all of which are known to the
9 defendant and Mr. Weitzman, will be included in the information
09:51AM 10 provided to the probation office for inclusion in the
11 presentence report.

12 THE COURT: Very well.

13 BY THE COURT:

14 Q. Mr. Salvado, did you hear what Mr. Clancy had to say?

09:51AM 15 A. I did.

16 Q. Is that what happened here?

17 A. Yes, sir.

18 Q. Is there anything about what he said that is inaccurate?

19 A. No, sir.

09:51AM 20 Q. Then based on the information I provided you here today
21 regarding your rights, the penalties for these offenses, and
22 the nature of the charges, is it still your desire to give up
23 your right to a jury trial and to plead guilty to Count 1 of
24 the indictment?

09:52AM 25 A. Yes, sir.

1 Q. Then with respect to Count 1, how do you plead, sir? Are
2 you guilty?

3 A. Guilty.

4 THE COURT: Very well. Counsel, are there any other
09:52AM 5 areas of inquiry you would ask me to make of Mr. Salvado?

6 MR. CLANCY: Not from the government, Your Honor.

7 MR. WEITZMAN: No, sir.

8 THE COURT: Very well. Mr. Salvado, I find, and will
9 recommend that Judge Rambo also find, that you are fully
09:52AM 10 competent and capable of entering an informed guilty plea, that
11 you are aware of the nature of the charges and the consequences
12 of your plea, and that your plea is a knowing and voluntary
13 plea that is supported by an independent basis in fact,
14 containing all of the elements of the offense charged against
09:52AM 15 you.

16 I also find and will recommend that Judge Rambo find
17 that no promises have been made to you beyond those set forth
18 in the plea agreement and that no one has threatened you to
19 induce you to enter a guilty plea. Therefore, sir, I find and
09:53AM 20 will recommend that Judge Rambo also find that your plea of
21 guilty should be accepted, that you should be adjudged guilty
22 of this offense, and that this case should proceed forward to
23 sentencing. You'll recall, Mr. Salvado, I mentioned that a
24 presentence report will be prepared and --

09:53AM 25 THE DEFENDANT: Correct.

1 THE COURT: -- you will see it before Judge Rambo.
2 Will we be able to get Mr. Salvado a copy of that report by
3 April 9?

4 PROBATION OFFICER: Yes, Your Honor.

09:53AM 5 THE COURT: Then I'm going to enter an order directing
6 that you get an advance copy of that report by April 9.

7 THE DEFENDANT: Thank you.

8 THE COURT: Oh, you're certainly welcome. No problem
9 at all. That's my job. Then you and Mr. Weitzman and
09:53AM 10 government counsel will have a chance to review that report,
11 and if there's anything in it that's wrong you can lodge an
12 objection. Okay?

13 THE DEFENDANT: Okay.

14 THE COURT: Judge Rambo will then set this case down
09:53AM 15 for sentencing sometime after that, but you'll get a separate
16 order from Judge Rambo to that effect. Okay?

17 THE DEFENDANT: Thank you.

18 THE COURT: You're certainly welcome. Mr. Clancy, is
19 there anything further on behalf of the United States?

09:54AM 20 MR. CLANCY: No, Your Honor, thank you.

21 THE COURT: Mr. Weitzman, is there anything further we
22 can do on behalf of Mr. Salvado?

23 MR. WEITZMAN: No, Your Honor.

24 THE COURT: Mr. Salvado, good luck to you, sir.

09:54AM 25 THE DEFENDANT: Thank you.

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THE COURT: You're certainly welcome.

COURTROOM DEPUTY: Court is adjourned.

(Hearing concluded at 9:50 a.m.)

CERTIFICATE OF OFFICIAL COURT REPORTER

USA vs. Brian Salvado

1:18-CR-00228-SHR/MCC

Change of Plea Hearing

13 February 2020

I, Wesley J. Armstrong, Federal Official Court Reporter, in and for the United States District Court for the Middle District of Pennsylvania, do hereby certify that pursuant to Section 753, Title 28, United States Code that the foregoing is a true and correct transcript of the stenographically reported proceedings held in the above-entitled matter and that the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

Dated this 12th day of January 2021

/s/ Wesley J. Armstrong

Wesley J. Armstrong

Registered Merit Reporter